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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/887,153 | 06/25/2001 | Francis Sykes | Q65127 | 7752 |

7590 03/10/2004

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EXAMINER

GELIN, JEAN ALLAND

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2681

5

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,153

Applicant(s)

SYKES ET AL.

Examiner

Jean A Gelin

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Shachar (US 5,923,736).

Regarding to claim 1, Shachar teaches a method of managing the operation of a mobile telephone in a telecommunications network, the method being of the type in which the mobile terminal is designed to operate selectively in a telephone call mode or in a navigator mode (i.e., switching data communication to normal telephone, col. 8, lines 46-49), and of the type in which display means, forming part of the mobile terminal or connected to the mobile terminal, are suitable for displaying a service data page formatted by a sequence of instructions in a language adapted to service data, the service data page giving access to at least one service, wherein a preferred mobile terminal operating mode is selected for implementing a service by incorporating a preferred mode selection instruction in the sequence of instructions for the service data page giving access to the service (col. 7, line 30 to col. 9, line 37).

Regarding to claim 5, Shachar teaches wherein the language adapted to service data is hypertext markup language (HTML) or a language derived therefrom (col. 9, line 66 to col. 10, line 45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar (US 5,923,736) in view of Lee et al. (US 6,336,137).

Regarding to claim 2, Shachar teaches a WAN can be wirelessly employing diverse communication media (col. 1, lines 22-30).

Shachar does not specifically teach wherein the navigator mode uses wireless application protocol.

However, the preceding limitation is known in the art of communications. Lee teaches the WAP defines a set of standard components that enable communication between mobile terminals and network servers (col. 2, lines 7-44). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the teaching of Lee within the system of Shachar in order that the communication terminal uses the WAP to send and receive data to and from the wireless device, and WAP browser to display information (col. 11, lines 13-28).

Regarding to claim 3, Shachar in view of Lee teaches all the limitations except wherein the language adapted to service data is taken from the extensible markup language (XML) family, and in particular is wireless markup language (WML).

However, the preceding limitation is known in the art of communications. Lee teaches the preferred language for the client is XML and the preferred language for responses from the server system is WML (col. 9, lines 10-45). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the teaching of Lee within the system of Shachar in order that the communication terminal uses the WAP to send and receive data to and from the wireless device, and a WAP micro-browser to send an encoded WAP request to a WAP gateway.

Regarding to claim 4, Shachar in view of Lee teaches all the limitations above. Lee further teaches wherein the language adapted to service data is taken from the extensible markup language (XML) family, and in particular is wireless markup language (WML) (col. 2, lines 34-60).

Regarding to claim 6, Shachar teaches in view of Lee teaches all the limitations above. Shachar further teaches wherein the language adapted to service data is hypertext markup language (HTML) or a language derived therefrom (col. 9, line 66 to col. 10, line 45).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2681

Jamtgaard et al. (US 6,430,624) teaches intelligent harvesting and navigation system and method.

Sugita teaches method of communication for information provision service, and mobile radio station.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
March 4, 2004

JEAN GELIN
PATENT EXAMINER

Jean Allard Gelin